

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Repeal Section 502.1
Title 14, California Code of Regulations
Re: North Coast Canada Goose Hunt

I. Date of Initial Statement of Reasons: April 5, 2002

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: | May 9, 2002 |
| | | Location: | Fresno, California |
| (b) | Discussion Hearing: | Date: | June 20, 2002 |
| | | Location: | South Lake Tahoe, California |
| (c) | Adoption Hearing: | Date: | August 2, 2002 |
| | | Location: | San Luis Obispo, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Sections 355 and 356 of the Fish and Game Code authorizes the Fish and Game Commission to annually adopt regulations pertaining to migratory birds that conform with, or further restrict, the regulations prescribed by the U.S. Fish and Wildlife Service (Service) pursuant to the Migratory Bird Treaty Act. These regulations ensure the conservation of waterfowl while providing for their use. Each year, Flyway Councils recommend changes in federal regulations and by early August, the Service establishes federal regulations.

The Service, through the analysis of waterfowl population surveys and other data, may change federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds

may occur. The Service establishes rules for “early season” (waterfowl seasons that occur prior to October 1) in June of each year and establishes rules for “late season” (waterfowl seasons that begin after October 1) in August of each year.

Current regulations in Section 502.1, Title 14, California Code of Regulations (CCR), pertain to the North Coast Canada Goose Hunt in September. The existing regulation in 502.1(a)(b)(c)(d)(e)(f)1-4 allows for the take of 2 Canada geese in Humboldt County by permit only. There is no hunting for Canada Geese in Del Norte County. The hunt takes place on the first Saturday in September and extends for nine consecutive days. There are 200 permits issued via public drawing.

Federal regulations have prohibited Canada goose hunting since 1975 in Humboldt and Del Norte counties to protect Aleutian Canada geese, which were listed as Endangered and Threatened until March, 2001. The September Canada goose hunt was authorized in 1997 to provide limited hunting opportunity to an introduced population of Western Canada geese. Aleutian geese do not occur in this area in September.

The Aleutian Canada goose population has grown from about 800 in 1976 to over 40,000 in recent years and is now feeding primarily on privately-owned pastures. Private landowners are concerned that unimpeded population growth of Aleutian Canada geese is affecting the amount of grass available for livestock.

The proposed change would eliminate the September permit hunt in Humboldt County if the Service approved a recommendation from the Flyway Council to modify the existing Canada Goose closure areas in California. New state regulations would allow a limited harvest of Canada Geese in Humboldt and Del Norte Counties during 5 days of the Balance of State Zone goose hunting season. These regulations would be provided in Section 502(5)(D)(1) and noticed at the Commission’s June 20, 2002 meeting.

The proposed season is limited in time and bag limit from the regulations for the remainder of the Balance of State Zone because permits would no longer be required and a shorter season and smaller daily bag limit are necessary to conserve the smaller Western Canada goose population.

The proposed change to the federal regulations must be approved by the Pacific Flyway Council at their meeting on July 25, 2002. The Service will consider this and other recommendations at their meeting on August 1,

2002. Should the proposed change be denied at either the Flyway Council or Service meetings, a recommendation for no change in the current regulations in Section 502.1 will be made.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section(s) 355,356 Fish and Game Code.

Reference: Section(s) 355, 356 Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

2002 Draft Environmental Document North Coast Canada Goose Hunting and 2002 Draft Environmental Document Migratory Game Bird Hunting.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

Because the regulation changes proposed for this section are not complex, no public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

1. Allow the hunting of Canada Geese (Large or Small) during the entire Balance of State zone goose season in Humboldt and Del Norte counties with a daily bag limit of 1 Large or Small Canada goose.
2. Allow the hunting of Canada Geese during the entire Balance of State zone goose season in Humboldt and Del Norte counties with the same Canada goose bag limits as in the rest of the Zone (a daily bag limit of 2 dark geese which may include only one small Canada goose).

- (b) No Change Alternative:

This alternative would not allow the take of any Canada geese during the regular waterfowl season in Humboldt and Del Norte counties and would continue to allow the North Coast Canada Goose Hunt in September.

(c) Consideration of Alternatives:

1. In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation. The alternatives were not recommended because they would lead to excessive harvest of both Western and Aleutian Canada geese, although these alternatives would make the goose hunting regulations less complex. The “no change” alternative is appropriate if the Flyway Council or Service deny the request to modify existing federal regulations that provide for closed zones for Canada goose hunting in Humboldt and Del Norte counties.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation(s) are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private

person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

The proposed changes in goose regulations in Humboldt and Del Norte counties eliminate the limited entry, 9-day September season in Humboldt County in preparation for a general 5 day Canada goose season in Humboldt and Del Norte counties during the Balance of State Zone goose season. This change is dependent on federal action to allow the modification of the existing federal regulations.

Existing regulations (Section 502.1 Title 14, CCR) provide for a 9-day, permit only hunt for Canada geese in Humboldt County. Other existing regulations (Section 502 (D), Title 14, CCR) prohibit the take of Canada geese in Humboldt and Del Norte counties during the goose season in the Balance of State Zone.

The proposed change is dependent upon approval by the Flyway Council and the Service. Consideration of the proposal will be made by those entities by August 1, 2002.

The proposal would allow the take of 1 Large or Small Canada goose during a 5 day period of the regular Balance of State Zone goose season. This proposal would allow for greater hunter opportunity and is intended to reduce complaints of depredations by geese on agricultural lands. The shorter season and lower bag limit are necessary to conserve the locally nesting population of Western Canada geese.